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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,966	11/26/2003	Jan Chipchase	884A.0027.U1(US)	9005
29683	7590	10/24/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,966	Applicant(s) CHIPCHASE ET AL.	
	Examiner MINH D. DAO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gouzman et al. (US 6,762,749).

Regarding claim 1, Gouzman teaches an electronic device, having an exterior surface, the electronic device (see figs. 5A, 5B) comprising: an actuator (see fig. 3; pin actuators 108s; col. 18, lines 57-65) for providing, when enabled, a first texture at a first portion of the exterior surface of the electronic device and for providing, when disabled, a second

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texture at the first portion of exterior surface of the electronic device (see figs. 6s-10s. In this case, the position of the pins such as extended or retracted reads on the first and the second texture of the present invention respectively) a user interface for changing the status of the electronic device from a first status to a second status (see figs. 5A, 5B, items 202s, 204s); and a processor operable to enable the actuator during the first status and disable the actuator during the second status (see fig. 3, item 104).

Regarding claim 2, Gouzman teaches an electronic device as claimed in claim 1, wherein the first texture provides discontinuities in the first portion of the exterior surface (see figs. 6s-10s).

Regarding claim 3, Gouzman teaches an electronic device as claimed in claim 1, wherein the first texture feels bumpy or rough to the touch (see figs. 6s-10s).

Regarding claim 4, Gouzman teaches an electronic device as claimed in claim 3, wherein the second texture feels relatively smooth to the touch (see figs. 6s-10s).

Regarding claim 5, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator continuously provides the first texture at the first portion of the exterior surface of the electronic device while the electronic device has the first status (see figs. 6s-10s).

Regarding claim 6, Gouzman teaches an electronic device as claimed in claim 5, wherein the actuator continuously provides the second texture at the first portion of the exterior surface of the electronic device while the electronic device has the second status (see figs. 6s-10s).

Regarding claim 7, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator comprises extendible projections, which are extended When the actuator is enabled and retracted when the actuator is disabled (see col. 7, lines 19-32; also see figs. 6s-10s).

Regarding claim 8, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator comprises extendible projections, which are extended when the actuator is disabled and retracted when the actuator is enabled (see col. 7, lines 19-32; also see figs. 6s-10s).

Regarding claim 9, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator comprises one or more polymer actuators (see col. 7, lines 19-32).

Regarding claim 10, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator comprises one or more stepper motors (see col. 11, lines 25-40).

Regarding claim 11, Gouzman teaches an electronic device as claimed in claim 1, wherein the electronic device comprises a plurality of actuators and the processor is operable to selectively enable the actuators (see fig. 3; pin actuators 108s; col. 18, lines 57-65).

Regarding claim 12, Gouzman teaches an electronic device as claimed in claim 1, wherein the first status of the electronic device is changeable to the second status only via user interface (see figs. 5A, 5B (items 202s, 204s) and associated text portions).

Regarding claim 13, Gouzman teaches an electronic device as claimed in claim 1, wherein the actuator when enabled is indicative of an operational mode of the electronic device (see fig. 3; pin actuators 108s; col. 18, lines 57-65). The extended position of the pin actuator of Gouzman reads on this limitation of the claim.

Regarding claim 14, Gouzman teaches an electronic device as claimed in claim 1, wherein immediate user attention is not necessary when the electronic device has the first status (see figs. 5A, 5B (items 202s, 204s) and associated text portions).

Regarding claim 15, Gouzman teaches an electronic device as claimed in claim 1, wherein the electronic device is operational when it has the first status and is non-operational when it has the second status (see col. 13, lines 29-34). In addition, as

explained above, the extended and retracted positions of the pin actuators define a function inherently including operational and non-operational status of the present invention.

Regarding claim 17, Gouzman teaches an electronic device as claimed in claim 1, wherein the electronic device is being used as a gaming device when it has the first status (see col. 7, lines 37-48).

Regarding claim 18, Gouzman teaches an electronic device as claimed in claim 1, wherein the exterior surface of the electronic device is directly accessible to the user (see fig. 5B).

Regarding claim 19, Gouzman teaches an electronic device as claimed in claim 1, operable as a mobile cellular telephone (see col. 1, lines 26-54).

Regarding claim 20, Gouzman teaches an electronic device as claimed in claim 1 operable as an accessory for a mobile cellular telephone (see col. 1, lines 26-54).

Regarding claim 16, since Gouzman teaches that electronic device operable as a mobile cellular telephone, therefore the device of Gouzman inherently can be in a mute or not mute as it is a well known fact in the cellular industry.

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Regarding claim 21, Gouzman teaches a user-replaceable cover for an electronic device as claimed in claim 1, providing at least the first portion of the exterior surface of the electronic device and comprising the actuator (see figs. 5A, 5B (items 202s, 204s) and associated text portions). Since items 202s and 204s are parts of the system of Gouzman, they are replaceable.

Regarding claim 22, the claim includes the limitations of claims 1 and 21 and therefore is interpreted and rejected for the reasons set forth in the rejections of claims 1 and 21.

Regarding claim 23, the claim includes the limitations of claim 1, and therefore is interpreted and rejected for the reasons set forth in the rejection of claims 1.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Minh Dao   
AU 2618  
October 19, 2006

  
Matthew Anderson  
Supervisor AU 2618